

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANILO FRANCISCO CORTEZ,
Plaintiff,
v.
KIRSTJEN M. NIELSEN, et al.,
Defendants.

Case No. [19-cv-00754-JSC](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 1

Petitioner, a detainee in immigration custody, filed a habeas corpus petition pursuant to 28 U.S.C. § 2241. Petitioner has paid the \$5.00 filing fee. The petition sets forth two claims challenging Petitioner's detention: (1) violation of Petitioner's Fifth Amendment due process rights; and (2) violation of his right to bail under the Eighth Amendment.

These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, Respondent is hereby ordered to show cause why the petition should not be granted.

In order to expedite the resolution of this case, it is further ordered as follows:

1. The Clerk shall serve Respondent and Respondent's attorney, the Attorney General of the United States, with a copy of this order and the petition with all attachments.

2. Respondent shall file with the court and serve on petitioner, within 20 days of service of the petition and this order, an answer showing cause why a writ of habeas corpus should not be granted based on the claims found cognizable herein. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the administrative record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the court and serving it on Respondent within 7 days of the date the answer is filed.

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3. The Clerk shall send notice Respondent regarding consenting to the jurisdiction of a magistrate judge and shall serve this Order to Show Cause on the United States Attorney for the Northern District of California.

IT IS SO ORDERED.

Dated: February 12, 2019


JACQUELINE SCOTT CORLEY
United States Magistrate Judge